



**OFFICE OF RECIPIENT RIGHTS
RIGHTS SYSTEM ASSESSMENT**

SECTION	SCORE	COMPLIANCE LEVEL
CMHSP RESPONSIBILITIES		
RIGHTS OFFICE OPERATIONS		
EDUCATION AND TRAINING		
COMPLAINT RESOLUTION		
ANNUAL REPORT		
POLICIES		
RIGHTS ADVISORY COMMITTEE		
TOTAL SCORE		

SUMMARY OF ASSESSMENT:

Citation	Standard	SECTION 1 - CMHSP RESPONSIBILITIES	POSSIBLE POINTS	WEIGHT	SCORE	%	COMMENTS
MHC 1755[1]	1.1.1	The Agency has established a recipient rights office subordinate only to the executive director.	1	1			
(MHC 1755[2][b])	1.2.1	The process for funding the rights office includes a review of the funding by the recipient rights advisory committee.	1	1			
(MHC 1755[2][c])	1.3.1	The recipient rights office is protected from pressures that could interfere with the impartial, even-handed and thorough performance of its duties.	2	1			
(MHC 1755[2] [d])	1.3.2	The rights office will have unimpeded access to: a) All programs and services operated by, or under contract to, the CMHSP; b) All staff employed by, or under contract to, CMHSP; c) All evidence necessary to conduct a thorough investigation or to fulfill its monitoring function.	2	3			
MHC 1755[3][a]	1.4.1	Complainants, rights office staff, and any staff acting on behalf of a recipient will be protected from harassment or retaliation resulting from recipient rights activities.	2	3			
MHC 1755[3][b]	1.4.2	Appropriate disciplinary action was taken if there was evidence of retaliation and harassment.	2	3			
MHC 1755[4]	1.5.1	The executive director has selected a director of the rights office who has the education, training and experience to fulfill the responsibilities of the office.	1	1			
MHC 1757 [2][e]	1.5.2	The executive director has consulted with the Recipient Rights Advisory in the hiring of the Director of the office.	1	1			
(MHC 1755[4])	1.5.3	The director of the rights office has no clinical service responsibilities	1	1			
SECTION TOTAL			13	24			

Citation	Standard	SECTION 2 – RIGHTS OFFICE OPERATIONS	POSSIBLE POINTS	WEIGHT	SCORE	%	COMMENTS
MHC 1755[5][6]	2.1.1	Provided or coordinated the protection of rights in all directly operated or contracted services.	2	3			
MHC 1706 [5][b]	2.2.2	Ensured that recipients, parents of minor recipients, and guardians are notified in an understandable manner of the rights guaranteed by Chapter 7 and 7A of the Mental Health Code, at the time services are initiated and provides access to summaries of the rights guaranteed by Chapter 7 and 7A both at the time services are initiated and periodically during the time services are provided	1	1			
MHC 1706	2.3.1	Ensured there is a mechanism to advise recipients or other individuals that there are advocacy organizations available to assist in preparation of a written rights complaint and offered to make the referral.	1	1			
MHC 1776 (5)	2.4.1	The office shall assist the recipient or other individual with the complaint process.	1	1			

Citation	Standard	SECTION 2 – RIGHTS OFFICE OPERATIONS	POSSIBLE POINTS	WEIGHT	SCORE	%	COMMENTS
MHC 1755[5][c]	2.5.1	Ensured the phone number and address of the rights office and names of rights officers are conspicuously posted in all service sites.	2	3			
MHC 1755[5][d][i]	2.6.1	Maintained a record system for all reports of apparent or suspected rights violations received including a mechanism for logging all complaints.	1	1			
MHC 1755[5][d]	2.6.2	Established a mechanism for secure storage of all investigative documents and evidence.	1	1			
MHC 1755[5][e]	2.7.1	Ensured that each service site is visited with the frequency necessary for protection of rights but in no case less than annually.	1	3			
MHC 1755[5][g]	2.8.1	Review the recipient rights policies and the rights system of each provider of mental health services to ensure that the rights protection system of each provider is in compliance with this act and is of a uniformly high standard.	2	3			
MHC 1755[5][h]	2.9.1	Served as a consultant to the director and to agency staff in rights related matters.	1	1			
MHC 1755[5][i]	2.9.2	Ensure that all reports of apparent or suspected violations of rights within the community mental health services program system or licensed hospital system are investigated in accordance with section 778.	1	1			
SECTION TOTAL			14	28			

Citation	Standard	SECTION 3 – EDUCATION AND TRAINING	POSSIBLE POINTS	WEIGHT	SCORE	%	COMMENTS
CMHSP 6.3.2	3.1.1	The staff of the rights office attended and successfully completed the Basic Skills Training programs within 90 days of hire.	1	3			
CMHSP 6.3.2	3.1.2	The Executive Director has completed the Executive Rights Training program with 180 days of hire.	1	3			
MHC 1755[2][e] CMHSP 6.3.2.3 (A)	3.2.2	The staff of the rights office are in compliance with the continuing education requirements specified in Attachment 6.3.2.3 (A) of the FY17 MDHHS/CMHSP Managed Mental Health Supports and Services Contract	1	3			
MHC 1755[2][e] 6.3.2.3 (A)	3.2.2	A minimum of 12 of the required 36 hours were approved as either Category I or II.	1	2			
MHC 755[5][f]	3.3.1	All individuals employed by the CMHSP or its contract agencies received training related to recipient rights protection before or within 30 days after being employed.	1	3			
6.3.2.3 (B)	3.3.2	Training related to recipient rights protection met the criteria established in Attachment 6.3.2.3 (B) of the FY17 MDHHS/CMHSP Managed Mental Health Supports and Services Contract	1	2			
MHC 1755[2][a]	3.4.1	Education and training in recipient rights policies and procedures are provided to the recipient rights advisory committee and appeals committee.	1	1			
SECTION TOTAL			7	17			

Citation	Standard	SECTION 4 – SEMI AND ANNUAL REPORTS	POSSIBLE POINTS	WEIGHT	SCORE	%	COMMENTS
MHC 1755[5][j]	3.1.1	Semi-annually provided summary complaint data consistent with the required annual report together with a summary of remedial action taken on substantiated complaints by category to MDHHS and to the recipient rights advisory committee of the LPH/U.	3	1			
MHC 1755[6]	3.1.2	No later than 12/30 for the preceding fiscal year, submitted to the governing board of the CMHSP and MDHHS an annual report prepared by the recipient rights office on the current status of recipient rights in the agency and a review of the operations of the rights office.	3	2			
MHC 1755[6] [a-g]	3.2.1	The annual report included, at a minimum, all of the following: <ul style="list-style-type: none"> Summary data, by category, including complaints received, number of reports filed, number of reports investigated by the hospital rights office Number of substantiated rights violations by category, provider and recipient population. Remedial action taken on substantiated violations by category, provider and recipient population. Training received by staff of the rights office. Training provided by rights office to contract providers. Desired outcomes established for the rights office and progress toward these outcomes. Recommendations to the Board. 	3	1			
MHC 1755[6] [a-g]	3.2.2	No later than 1/30 submitted the ORR Annual Report Monitoring form to MDHHS-ORR for the preceding year	2	1			
SECTION TOTAL			11	14			

Citation	Standard	SECTION 5 – POLICIES	POSSIBLE POINTS	WEIGHT	SCORE	%	COMMENTS
MHC 1752[1]	4.1.1	The policies and procedures provided a mechanism for prompt reporting, review, investigation and resolution of apparent or suspected rights violations, are consistent with Chapter 7 and 7A of the Mental Health Code, and are designed to protect recipients from, and prevent repetition of, violations of rights guaranteed by Chapter 7 and 7A.	1	1			
MHC 1752[1]	4.2.1	Policies and procedures included, at a minimum, all those specifically delineated in this section of the MHC.	1	1			
MHC 752[p][i-vii]	4.2.2	Policies and procedures meet the criteria established in Attachment B.	2	3			
MHC 1712; AR 7199; C.3.3.1	4.3.1	The CMHSP has policy and procedure that ensures a person centered planning process is used to develop a written IPOS in partnership with the recipient.	1	1			
SECTION TOTAL			5	9			

Citation	Standard	SECTION 6 – RECIPIENT RIGHTS ADVISORY COMMITTEE	POSSIBLE POINTS	WEIGHT	SCORE	%	COMMENTS
MHC 1757[1]	6.1.1	The board of each community mental health services program shall appoint a recipient rights advisory committee consisting of at least 6 members who represent the varied perspectives of the CMHSP's geographic area.	1	1			
MHC 1757[1]	6.1.2	At least 1/3 of membership are primary consumers or family members and at least 1/2 of the above 1/3 are primary consumers.	1	1			
MHC 1757[2](a)	6.1.3	The RRAC met at least semiannually or as necessary to carry out its responsibilities.	1	1			
MHC 1757[2](b)(c)	6.1.4	The CMHSP maintains a current list of members' names and a separate and current list of categories represented by members. These lists are available to individuals upon request	1	1			
MHC 1757[2](d)	6.1.5	The RRAC acts to protect the recipient rights office from pressures which could interfere with the impartial, even-handed and thorough performance of its duties.	1	1			
MHC 1757[2](f)	6.1.6	The RRAC serves in an advisory capacity to the CMHSP director and the director of the rights office.	1	1			
MHC 757[2][g]	6.1.7	The RRAC reviewed and provided comments on the annual rights report submitted by the executive director to the Board of the CMHSP.	1	1			
MHC 757[2][i]	6.1.8	Meetings of the RRAC complied with the Open Meetings Act (Act 257 of 1976)	1	1			
		SECTION TOTAL	8	8			

Citation	Standard	SECTION 7 – COMPLAINT RESOLUTION	POSSIBLE POINTS	WEIGHT	SCORE	%	COMMENTS
MHC 1776[5]	7.1.1	The rights office assisted the recipient or other individuals with the complaint process as necessary.	1	1			
MHC 1776[5]	7.1.2	The office shall advise the recipient or other individual that there are advocacy organizations available to assist in preparation of a written rights complaint and shall offer to refer the recipient or other individual to those organizations	1	1			
MHC 1776[3]	7.2.1	Each rights complaint was recorded upon receipt by the rights office.	1	1			
MHC 1776[3]	7.2.1	Acknowledgment of the recording, along with a copy of the complaint, was sent within 5 business days to the complainant and recipient.	1	1			
MHC 1776[4]	7.2.2	If the rights office determined that no investigation of a complaint was warranted, it notified the complainant within 5 business days after receiving the complaint.	1	1			
MHC 1776[6]	7.3.1	If a rights complaint had been filed regarding the conduct of the agency director, the rights investigation was conducted by the office of another CMHSP or by the State Office of Recipient Rights as requested by the CMHSP Board of Directors.	1	1			
MHC 1778[1]	7.4.1	The rights office initiated investigation of apparent or suspected rights violations in a timely and efficient manner.	2	2			

CMHSP RIGHTS SYSTEM ASSESSMENT	STANDARDS – ATTACHMENT A
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Citation	Standard	SECTION 7 – COMPLAINT RESOLUTION	POSSIBLE POINTS	WEIGHT	SCORE	%	COMMENTS
MHC 1778[1]	7.4.2	Investigation was immediately initiated in cases involving alleged abuse, neglect, serious injury, or death of a recipient when a rights violation was apparent or suspected.	1	3			
MHC 1778[2]	7.4.3	Investigation activities for each rights complaint shall be accurately recorded by the office.	1	1			
	7.4.4	The rights office responded to complaints that were either outside of their jurisdiction or did not involve a code protected right in compliance with the standards established by MDHHS.	2	3			
CMH Contract 6.4.3.2	7.5.1	The rights office conducted an intervention on an apparent or suspected rights violation using a preponderance of evidence standard and in compliance with the standards established by MDHHS.	2	3			
CMH Contract 6.4.3.2	7.5.2	The results of the intervention indicated whether a rights violation was substantiated and were communicated to the complainant within a maximum of 30 days and contained all required elements	2	3			
CMH Contract 6.4.3.2	7.5.3	The communication clearly indicated that process for pursuing an investigation if the complainant was not satisfied with the result of the intervention	1	1			
MHC 1778[4]	7.6.1	When applicable, the rights office issued written status reports every 30 calendar days during the course of the investigation.	1	2			
MHC 1778[4]	7.6.2	Issued status reports contained all required elements	2	2			
MHC 1778[1]	7.7.1	Subject to delays involving pending action by external agencies the office completed investigations no later than 90 calendar days following receipt.	2	3			
MHC 1778[5]	7.7.2	The Allegation section of the Report of Investigative Findings contained all required elements	2	3			
MHC 1778[5]	7.7.3	The Citation section of the Report of Investigative Findings contained all required elements	2	3			
MHC 1778[5]	7.7.4	The Issues section of the Report of Investigative Findings contained all required elements	2	3			
MHC 1778[5]	7.7.5	The Conclusion section used preponderance of evidence as a standard and the Report of Investigative Findings contained all required elements	2	4			
MHC 1778[4]	7.7.6	The Recommendation section of the Report of Investigative Findings contained all required elements	2	3			
MHC 1778[5]	7.7.7	Upon completion of the investigation, the office completed a written investigative report and submitted it to the respondent and to the RMHA.	2	1			
MHC 1722[2]	7.8.1	On substantiated rights violations involving abuse or neglect, the RMHA/ respondent took appropriate disciplinary action.	2	4			
MHC 1755[3][b] MHC 1780[1]	7.8.2	On substantiated rights violations not requiring disciplinary action, the RMHA/respondent took appropriate remedial action.	2	4			

Citation	Standard	SECTION 7 – COMPLAINT RESOLUTION	POSSIBLE POINTS	WEIGHT	SCORE	%	COMMENTS
MHC 1780[2]	7..3	Disciplinary/remedial action taken was documented and made part of the record maintained by the rights office.	1	1			
MHC 1782[1]	7.9.1	Within 10 business days of the receipt of the investigative report the CMHSP director submitted a written summary report.	1	4			
MHC 1782 [1] (a)(b)(c)(e)(f)	7.9.2	Summary reports reflected the information from the allegation, citations, and issues and recommendation sections of the RIF.	1	1			
MHC 1782 [1] (d)	7.9.3	The Summary Report provided sufficient information for potential appellants to make a determination as to the thoroughness and accuracy of the rights office investigation.	2	4			
MHC 1782 [1] (g)	7.9.4	The Summary Report provided detailed information as to the action taken (or action planned to be taken) in order to meet the requirements stated in MHC 1780.	2	4			
MHC 1782[1][h]	7.9.5	As part of the Summary Report the complainant, recipient, if different, guardian or parent of a minor were informed of their right to appeal, the grounds for filing the appeal and where to send the appeal.	2	4			
6.3.2.4 II.D	7.9.6	When the proposed plan of action is complete the CMHSP provided written notice to the rights office.	1	1			
6.3.2.4 II.D	7.9.7	When the action completed was different than that proposed, the CMHSP provided written notice to potential appellants and the rights office of the specific action taken and date of that action.	1	4			
Best Practice	7.9.8	As part of the Summary Report potential appellants were notified of the process for making an appeal to Step 2 if they were dissatisfied with the decision of the appeals committee regarding the findings of the office.	0	0			
MHC 1782[1]	7.9.9	The summary report was sent to the complainant, recipient if different, guardian/parent of a minor recipient.	1	4			
MHC 1784[3]	7.9.10	Complainants were informed of the option of mediation.	1	1			
MHC 1782[2]	7.9.11	Information in the summary report was provided within the constraints of the confidentiality/privileged communications sections (748, 750) of the Mental Health Code.	1	1			
MHC 1782[2]	7.9.12	Information in the summary report did not violate the rights of any employee (ex. Bullard-Plawecki Employee Right to Know Act, Act No. 397 of the Public Acts of 1978.	1	1			
MHC 1784[3]	7.10.1	In the absence of assistance from an advocacy organization, the rights office assisted the appellant in meeting the procedural requirements of a written appeal.	1	1			
MHC 1784[3]	7.10.2	The rights office advised the appellant that there are advocacy organizations available to assist in preparing the written appeal and offered to make the referral.	1	1			
		SECTION TOTAL	55	139			

Citation	Standard	SECTION 8 – APPEALS	POSSIBLE POINTS	WEIGHT	SCORE	%	COMMENTS
MHC 1774[2][a] C 6.3.2.4.	8.1.1	The Board of the CMHSP has done one of the following: appointed an appeals committee to hear appeals of recipient rights matters OR designated the RRAC as the appeals committee. An appointed committee shall consist of seven individuals who meet the following criteria: (a) None are employed by DHHS or the CMHSP, (b) at least 3 are members of the RRAC c) At least 2 are board members and d) at least 2 are primary consumers.	1	1			
MHC 1774[4]	8.2.1	Within 5 business days after receipt of a written appeal, the Appeals Committee reviewed the appeal to determine whether it met criteria and notified the appellant in writing whether the appeal was accepted or denied.	1	1			
MHC 1784[4] C 6.3.2.4	8.2.2	If the appeal was accepted, a copy of the appeal was provided to the respondent within 5 business days.	1	1			
MHC 1784[5]	8.2.3	Within 30 days after the written appeal was received, the Appeals Committee met in a closed session and reviewed the facts as stated in all complaint investigation documents.	1	1			
MHC 1784[5] C 6.3.2.4	8.2.4.1	The Appeals Committee did one of the following in deciding upon an appeal: Upheld the findings of the rights office and the action taken or plan of action proposed by respondent.	1	1			
MHC 1784[5] C 6.3.2.4	8.2.4.2	Returned the investigation to the rights office with request that it be reopened or reinvestigated	1	1			
MHC 1784[5] C 6.3.2.4	8.2.4.3	Upheld the investigative findings of the rights office but recommended that respondent take additional or different action to remedy the violation.	1	1			
MHC 1784[5] C 6.3.2.4	8.2.4.4	Recommended that the governing board request an external investigation by the MDHHS Office of Recipient Rights.	1	1			
C 6.3.2.4	8.2.5	If the Committee confirms that the investigation was not initiated or completed in a timely manner, recommend that the CMHSP director take appropriate supervisory action with the investigating rights officer/advisor.	1	1			
MHC 1784[6]	8.2.6	The Appeals Committee documented its decision in writing.	1	1			
MHC 1784[6]	8.2.7	Within 10 days after reaching its decision, the Appeals Committee provided copies of the decision to the respondent, appellant, recipient, if different than appellant, recipient's guardian, if one has been appointed, the and the rights office.	2	1			
MHC 1786	8.2.8	Copies of Appeals Committee decision included a justification for the decision.	1	1			
Best Practice	8.2.9	Notice of the rights to file a step 2 appeal is provided to appellants who filed an appeal on the basis that the investigative findings of the office are not consistent with the facts or with law, rules, policies, or guidelines.	0	0			
SECTION TOTAL			13	13			

REQUIRED ACTIONS:RECOMMENDATIONS:

ADDITIONAL COMMENTS: